

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DAISY MONTICH, individually and on behalf
of all other similarly situated,

Plaintiff,

v.

MIELE USA, INC.,

Defendant.

Civil Action No. 3:11-cv-02725-MAS-DEA

ORDER GRANTING MOTION TO DISMISS

This matter having come before the Court upon the application of Defendant, Miele USA, Inc. (“Defendant”), through its counsel, for an Order Granting Defendant Miele USA, Inc.’s Motion to Dismiss Plaintiff’s Second Amended Class Action Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b); and this Court having considered the submissions of Defendant, any opposition thereto, and arguments of counsel, if any; and good cause having been shown;

IT IS THIS _____ day of _____, 2013

ORDERED that Defendants’ Motion to Dismiss Counts I, II, and IV of Plaintiff’s Second Amended Class Action Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) and 9(b) is **GRANTED**; and it is further

ORDERED that Counts I, II, and IV of Plaintiff’s Second Amended Class Action Complaint are **DISMISSED WITH PREJUDICE**.

Hon. Michael A. Shipp, U.S.D.J.